

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 90-785-E - ORDER NO. 91-324
APRIL 18, 1991

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| IN RE: Robert L. Black, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | |
| |) | |
| South Carolina Electric |) | ORDER |
| & Gas Company and Fairfield |) | |
| Electric Cooperative, |) | |
| Incorporated, |) | |
| |) | |
| Respondents. |) | |
| |) | |

This matter comes before the Public Service Commission of South Carolina (the Commission) on the matter of the provision of electric service to an aquaculture facility owned by the Complainant, Robert L. Black, which is located off U.S. Route 21 near Dutchman's Creek in Fairfield County. Mr. Black comes before the Commission in an attempt to have the Commission resolve his difficulty in obtaining electrical service for his aquaculture facility from either South Carolina Electric & Gas Company (SCE&G) or Fairfield Electric Cooperative, Incorporated (Fairfield or the Cooperative).

Present at the hearing on April 10, 1991, were: the Complainant, Robert L. Black; Robert S. Householder for South Carolina Electric & Gas Company, which was represented by Robert T. Bockman, Esquire; E. L. Ayers for Fairfield Electric Cooperative, Incorporated; and F. David Butler, Esquire, representing the Commission Staff.

The testimony showed that Fairfield served Robert Black's home prior to the passage of the Territorial Assignment Act of 1969, §58-27-610, et seq. Code of Laws of South Carolina (1976, as amended). Subsequent to the passage of this Act, the land owned by Mr. Black was assigned by this Commission to SCE&G, pursuant to the Act. Mr. Black testified that he had had much correspondence and numerous conversations with officials of both SCE&G and Fairfield in an attempt to obtain electrical service to his proposed aquaculture facility, at which he intended to raise striped bass and perform other related work. However, Mr. Black stated that he had been unable to obtain electrical service.

SCE&G presented the testimony of Robert Householder, who identified himself as the District Manager of the Lexington district, which included Mr. Black's property. Mr. Householder testified that SCE&G was requiring from Mr. Black a \$3,500 aid in construction payment before it would extend its distribution line to his facility. Alternately, Mr. Householder informed Mr. Black that in consideration of the necessary aid in construction costs, SCE&G would be willing to waive its territorial assignment service

rights and allow Fairfield to serve his facility under standard waiver procedures. Mr. Householder went on to testify that no mutually agreeable resolution to the problem was reached. He also testified that it was some 1,500 to 1,800 feet from the SCE&G electrical distribution line to the aquaculture facility. He further testified that the total cost to provide service to this facility was \$7,500 and that the Company would need to obtain rights-of-way over very hilly and rather difficult ground.

On November 7, 1990, Jim Crouch, Manager of Engineering for Fairfield, wrote Mr. Black, stating that Fairfield would extend its distribution line to his aquaculture facility if the area was assigned to Fairfield by the Public Service Commission of South Carolina. Mr. E. L. Ayers of the Cooperative testified at the hearing and addressed the meaning of the terminology of this letter as he believed Mr. Crouch meant it. Mr. Ayers testified that he believed that Mr. Crouch was discussing corridor rights only and not necessarily complete territorial rights. Ayers went on to say that the distribution line of Fairfield was some 1,500 feet from the aquaculture facility and that the cost to extend the line would be some \$2,200, none of which would be assessed to Mr. Black. Mr. Ayers also stated that the terrain from the Cooperative's distribution line was much easier to work with than the territory from the SCE&G line to the aquaculture facility.

Based on the testimony as related above and other evidence submitted, the Commission is of the opinion that, since SCE&G is willing to waive its service rights and allow Fairfield to serve Black's aquaculture facility, Fairfield should be allowed to run a line through SCE&G territory to serve Black's facility and acquire corridor rights appurtenant thereto, and that these are required for public convenience. In considering the cost to the customer and the terrain over which the line would be built, logic would dictate that Fairfield could more easily and economically serve Mr. Black's facility than SCE&G.

Based on the above, the Commission therefore makes the following findings of fact and conclusions of law:

1. Robert L. Black owns property off U.S. Route 21 near Dutchman's Creek in Fairfield County.
2. Mr. Black had been unable to obtain electric service from South Carolina Electric & Gas Company without payment of a contribution in aid of construction or from Fairfield Electric Cooperative, Incorporated to the aquaculture facility located on his property.
3. Mr. Black's home is served by Fairfield Electric Cooperative, Incorporated and was served by Fairfield prior to the enactment of the Territorial Assignment Act of 1969.
4. Subsequent to the Territorial Assignment Act of 1969, SCE&G was assigned territory around Mr. Black's home containing his aquaculture facility.

5. The cost to SCE&G to furnish power to Mr. Black's facility and therefore extend its distribution line is \$7,500, which includes \$3,500 as a contribution in aid of construction that would be assessed directly against Mr. Black.

6. The distance from the SCE&G distribution line to Mr. Black's proposed facility is 1,500 to 1,800 feet.

7. Fairfield could provide service to Mr. Black's facility at a cost of \$2,200 with no contributions in aid of construction assessed against Mr. Black.

8. The Cooperative's distribution line is some 1,500 feet from Mr. Black's proposed facility.

9. SCE&G is willing to waive its service rights to Mr. Black's facility and allow the Cooperative to serve that facility.

10. Fairfield is willing to extend its line to Mr. Black's facility if allowed to do so by this Commission and assuming that the facility is an aquaculture facility and a permanent business as set forth by Mr. Black.

11. That under the facts of the case at bar, Fairfield should be allowed to run a line through SCE&G territory to serve Black's aquaculture facility, and acquire corridor rights appurtenant thereto, and that these are required for public convenience.

12. That the Commission will consider matters of this nature on a case by case basis.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that:

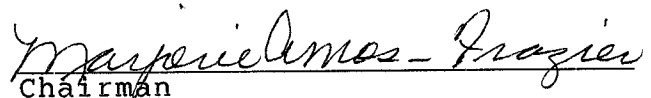
1. Fairfield Electric Cooperative, Incorporated is hereby granted the right to run a line from its distribution line through South Carolina Electric & Gas Company's assigned territory to Robert E. Black's aquaculture facility so that Fairfield may provide service to said facility.

2. That this distribution line extension will carry corridor rights as provided by S.C. Code Ann. §58-27-620 (1976).

3. That the Commission will consider matters of this nature on a case by case basis.

4. That this Order shall remain in full force and effect until such further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director

(SEAL)